

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKIN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

ROBERT KELLY,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.

Defendants.

21 MC 100 (AKH)

10 CV 2043
08 CV 5911PARTIAL STIPULATION OF
VOLUNTARY DISMISSAL AS
AGAINST ALL PARTIES PURSUANT
TO F.R.C.P. 41(a)(1)(A)(ii)

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/19/11

IT IS HEREBY STIPULATED AND AGREED by and between the parties that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. The above-captioned action is voluntarily dismissed pursuant to the following terms and conditions:
2. All claims by Plaintiff ROBERT KELLY against all Defendants or against any Defendant arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, are voluntarily dismissed.
3. All claims that were asserted or could have been brought in relation to Plaintiff's existing pleadings are dismissed with prejudice.

4. This dismissal is without prejudice solely in relation to a second injury to the extent permitted by New York State law and as may be defined by any court having jurisdiction over any such later-filed complaint. If after this Stipulation is filed Plaintiff commences an action asserting such alleged second injury claims against any or all of the entities listed on Exhibit A to the World Trade Center Litigation Settlement Process Agreement, As Amended ("Amended SPA"), such action shall constitute a "New Debris Removal Claim" as defined in the Amended SPA.

5. The dismissal is without costs.

SULLIVAN PAPAIN BLOCK
McGRATH & CANNAVO P.C.

By: 

Andrew J. Carboy, Esq.

Attorneys for Plaintiff ROBERT
KELLY

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Dated: January 5, 2011

PATTON BOGGS LLP

By: 

James E. Tyrrell, Jr., Esq.

Attorneys for all Defendants

The Legal Center
One Riverfront Plaza, Suite 600
Newark, NJ 07102

Dated: January 10, 2011

SO ORDERED

1/19/11



FILED

